

BOARD OF APPEALS CASE NO. 5051	*	BEFORE THE
APPLICANT: William Wernig	*	ZONING HEARING EXAMINER
REQUEST: Variance to create two lots	*	OF HARFORD COUNTY
on 6-1/2 foot panhandles; 222 Holy Cross	*	
Road, Street	*	
	*	Hearing Advertised
	*	Aegis: 6/7/00 & 6/14/00
HEARING DATE: July 24, 2000	*	Record: 6/9/00 & 6/16/00
	*	

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ZONING HEARING EXAMINER'S DECISION

The Applicant, William C. Wernig, is requesting a variance pursuant to Section 267-22C and G(4)(b) of the Harford County Code to create 2 lots with less than the required 25 foot road frontage on two panhandles (12.5 feet each required, 6.25 feet each requested).

The subject parcel is located at 222 Holy Cross Road, Street, MD 21154 and is more particularly identified on Tax Map 17, Grid 1C, Parcel 18. The subject parcel consists of 58 acres more or less, is zoned AG Agricultural, and is entirely within the Fifth Election District.

The Applicant, William Wernig appeared before the Hearing Examiner and testified that he intends to create two panhandle lots to the rear of the property, one for his son and the other for himself. The property is actively farmed and is presently in the Agricultural Land Preservation Program. The property is long and narrow and is improved by a farmhouse, barns, outbuildings and fence feedlots with the balance in crops or dense woodland. The Applicant intends to place the farm into a permanent easement but the current rules only allow two acre lots. Without the approval requested herein, the lots would have to be placed on what is now active cropland reducing the area able to be productively farmed.

Mr. William Amoss, Administrator of the Office of Agricultural and Resource Preservation for Harford County appeared on behalf of the Applicant. Mr. Amoss stated that the property is unique in that it is long and narrow. He felt that the Applicant's request was consistent with the spirit and intent of the Code and would not result in adverse impacts to adjacent properties or result in any safety or health hazards. The witness also stated that the proposed location of the lots would not pose a problem to emergency fire or rescue equipment in the event they were needed.

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There were no persons who appeared in opposition to the requested application.

The Department of Planning and Zoning recommends approval of the Applicant=s request and further states in its staff report dated June 26, 2000 that the Harford County and State Land Preservation Review Boards have reviewed and approved the Application.

CONCLUSION:

Section 267-22C provides:

“Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least twenty-five (25) feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.”

Section 267-22G(4)(b) provides:

“Groups not exceeding four (4) lots may have two (2) lots on panhandles in accordance with the following criteria. Panhandle lots and subdivisions shall have, as a minimum, the following width:

- (b) Double panhandles: twelve and one-half (12-1/2) feet each, for a total of twenty-five (25) feet.”

Variances from the provisions of the Code may be granted, provided the Board finds:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

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The Hearing Examiner recommends approval of the Applicant's request. The location proposed and the minor decrease in road frontage will not result in any adverse impacts to this or any other property, nor will the intent or purposes of the Code be impaired as a result of approval. The proposed location of the 2 panhandle lots will maximize available cropland on the parcel. If the Application were denied, cropland would necessarily be reduced if lots conforming to Code were created. As conditions of approval, the Hearing Examiner recommends the following:

1. The Applicant shall submit a preliminary plan to be reviewed and approved by the Department of Planning and Zoning.
2. The Applicant shall record a final Plat in the land records of Harford County.

Date JULY 31, 2000

William F. Casey
Zoning Hearing Examiner